

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DANA W. WILEY,	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No. 06-54
	)	<b>Electronically Filed</b>
SUPERINTENDENT FOLINO, et al.,	)	
Defendants.	)	

**ORDER**

AND NOW, this 6<sup>th</sup> day of February, 2006, after the plaintiff, Dana W. Wiley, filed a civil rights complaint and an application to proceed in forma pauperis, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and upon consideration of the objections filed by the plaintiff, and upon independent review of the application and the record and upon consideration of the Magistrate Judge's Report and Recommendation (Docket No. 2), which is adopted as the opinion of this Court,

IT IS ORDERED that the plaintiff's application for leave to proceed in forma pauperis (Docket No. 1) is denied and this action is dismissed without prejudice to the plaintiff's right to reinstate it by paying the filing fee within twenty (20) days.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure if the plaintiff desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

s/Arthur J. Schwab  
Arthur J. Schwab  
United States District Judge

cc: Dana W. Wiley  
CT-9123  
SCI Greene  
175 Progress Drive  
Waynesburg, PA 15370